IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of the Application of: Christopher Kent Karstens
Serial No.: 10/735,965   Confirmation No.: 3393
Filed: 12/15/2007
For: Methods and Systems of Instant Message Secure Client Control
Examiner: Abdelnabi O. Musa   Group Art Unit: 2109
Attorney Docket No.: RSW920030208US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

In response to the Office Action of January 23, 2008, and in support of the Notice of Appeal file on March 22, 2008, Applicants respectfully submit this Appeal Brief.

(I) Real Party in Interest

The real party in interest for this Application is assignee INTERNATIONAL BUSINESS MACHINES CORPORATION of Armonk, NY.

(II). Related Appeals and Interferences

There are no related appeals or interferences.

(III). Status of Claims

Claims 1-3 and 5-31 are pending in this Application. Claim 4 is canceled. Claim 1-3, 5-7,9-13, 15 and 31 stand rejected under 35 USC 102 as being anticipated by US Patent Number 7,188,143 to Szeto (hereafter "Szeto"). Claims 8, 14, and 16-30 are presumed to stand rejected under Szeto in accordance with the second paragraph on page 10 ofg the Office Action of January 23, 2008. Claims 1-3 and 5-31 are being appealed.

(IV). Status of Amendments

No amendments have been made to the claims.

(V). Summary of claimed subject matter

(V.A) Claim 1

Claims 1 is directed to a computer-readable medium (paragraphs {021}). The medium comprises contents (Instant Message Client Control (IMCC) 140A, 140B in Fig. 1 and configuration profile 160 in Fig. 1; paragraph {018}) that cause a source computer (110 in Fig. 1; 210A in Fig. 2; paragraphs {017}, {022}) to control the use of content carried over a content controlled instant message session (paragraphs {001}, {006}).

with a target computer (130 in Fig. 1, 210B in Fig. 2A; paragraphs {017}, {022}). The

source computer has a program (Instant Message Client Control (IMCC) 140A in Fig. 1

and configuration profile 160A in Fig. 1; paragraph {018}) that performs content control.

The program determines a requested use attribute for instant message content generated

by the source computer (Step 315 in Fig. 3; paragraphs {006}, {020}, {023}, {027},

{029}, {030}). The program sends the requested use attribute to the target computer

(step 335 in Fig. 3; {023}, {027}, {030}). The program receives an indication verifying

whether a content controlled instant message session is supported at the target computer

(step 340 in Fig. 3; paragraphs {025}, {026}, {027} {031}). The program establishes the

content controlled instant message session having a session use attribute based upon the

requested use attribute with the received indication (step 365 in Fig. 3; paragraphs {026},

{032}) , and the content controlled instant message session controls the use of content

provided over the session at the target computer in accordance with the session use

attribute (paragraphs {026}).

(V.B) Claim 2

Claim 2, which depends from claim 1 is directed to the computer-readable

medium of claim 1 wherein the received indication further includes an indication that a

content use feature on the target computer corresponding to the requested use attribute

has been activated (paragraphs {025}, {034}).

(V.C) Claim 3

Claim 3, which depends from claim 2, is directed to the computer-readable

medium of claim 2 wherein the content use feature is a disabled printing function, a

disabled screen capture function, a disabled third party join function, a disabled clipboard

copy function, or a disabled logging function at the target computer (paragraph {020}).

(V.D) Claim 5

Claim 5, which depends from claim 1 is directed to the computer-readable

medium of claim 1 further comprising updating the session use attribute during

communication over the content controlled instant message session after the establishing

of the content controlled instant message session step (paragraph {029}).

(V.E) Claim 6

Claim 6 is directed to a computer-readable medium (paragraphs {021}). The

medium comprises contents (Instant Message Client Control (IMCC) 140A, 140B in Fig.

1 and configuration profile 160 in Fig. 1; paragraph {018}) that enable a source computer

(110 in Fig. 1; 210A in Fig. 2; paragraphs {017}, {022}) to control the use of content

carried over a content controlled instant message session (paragraphs {001}, {006}) at a

target computer 130 in Fig. 1, 210B in Fig. 2A; paragraphs {017}, {022}). The target

computer has a program (Instant Message Client Control (IMCC) 140B in Fig. 1 and

configuration profile 160B in Fig. 1; paragraph {018}) that performs content control

steps. The program receives a first message containing a first requested use attribute

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from the source computer (step 410 in Fig. 4; paragraphs {025}, {033}. The program

reads the first requested use attribute (step 420 in Fig. 4; paragraph {033}) and

determines whether a content use feature corresponding to the first requested use attribute

is supported on the target computer (step 440; paragraph {033}). The program sends a

second message indicating the support of the content use feature to the source computer

(step 450 or step 480 in Fig. 4; paragraphs {033}, {035}).

(V.F) Claim 7

Claim 7, which depends from claim 6, is directed to the computer-readable

medium of claim 6 wherein the program further comprises the step of activating the

content use feature on the target computer (steps 620 and 660 in Fig. 6; paragraphs

{033}, {040}. {041}).

(V.G) Claim 8

Claim 8, which depends from claim 7 is directed to the computer-readable

medium of claim 7 wherein the content use feature is a disabled print function, a disabled

screen capture function, a disabled third party join function, a disabled clipboard copy

function, or a disabled logging function resident on the target computer (paragraph

{020}).

(V.H) Claim 9

Claim 9, which depends from claim 6, is directed to the computer-readable

medium of claim 6 wherein the second message includes a first unsupported use attribute

(step 480 or step 450; paragraphs {033}, {035}), wherein the first unsupported use

attribute defines the feature on the target computer which may not be activated (paragraphs {033}, {035}).

(V.I) Claim 10

Claim 10, which depends from claim 6, is directed to the computer-readable medium of claim 6, and further comprising additional content control steps. The program determines a second requested use attribute for instant message content generated by the target computer (step 660; paragraph {041}, the second requested use attribute corresponding to a second content use feature (paragraph {040}). The program sends the second requested use attribute to the source computer (step 450 in Fig. 4; paragraph {035}). The source computer (110 in Fig. 1, 210A in Fig. 2A) receives an activation indication of the second content use feature (step 510 in Fig. 5; paragraph {036}) and sends an instant message having content controlled by the second content use feature (bottom arrow in Fig. 2A; paragraph {026})..

(V.J) Claim 11

Claim 10, which depends from claim 6, is directed to the computer-readable medium of claim 6 further comprising the step of updating the first requested use attribute (step 470 in Fig. 4, step 620 in Fig. 6; paragraphs {027},{034}, {040}).

(V.K) Claim 12

Claim 12, which depends from claim 10, is directed to the computer-readable

medium of claim 12, and further comprising the step of updating the second requested

use attribute (step 470 in Fig. 4, step 660 in Fig. 6; paragraphs {027},{034},{041}).

(V.L) Claim 13

Claim 13 is directed to a computer-readable medium (paragraphs {021}). The

medium comprises contents (Instant Message Client Control (IMCC) 140A, 140B in Fig.

1 and configuration profile 160 in Fig. 1; paragraph {018}) that control the use of content

over a content controlled instant message session (paragraphs {001}, {006}). The

computer system has a source computer (110 in Fig. 1; 210A in Fig. 2; paragraphs {017},

{022}) having a source program (Instant Message Client Control (IMCC) 140A, in Fig. 1

and configuration profile 160A in Fig. 1; paragraph {018}) and a target computer (130 in

Fig. 1, 210B in Fig. 2A; paragraphs {017}, {022}) having a target program (Instant

Message Client Control (IMCC) 140B in Fig. 1 and configuration profile 160B in Fig. 1;

paragraph {018}). A content use feature on the target computer is disabled by

performing the following program steps. The source program sends a requested use

attribute for instant message content generated by the source program to the target

computer (step 335 in Fig. 3; {023}, {027}, {030}). The target program receives a first

message containing a first requested use attribute from the source computer (step 410 in

Fig. 4; paragraphs {025}, {033}. The target program determines whether a content use

feature corresponding to the first requested use attribute is supported on the target

computer (step 440; paragraph {033}). The source program receives an indication of

whether a the content use feature is supported at the target computer (step 340 in Fig. 3;

paragraphs {025}, {026}, {027} {031}). The source program establishes the content

controlled instant message session having a session use attribute based upon the

requested use attribute with the received indication (step 365 in Fig. 3; paragraphs {026},

{032}).

(V.M) Claim 14

Claim 14 is directed the computer-readable medium of claim 13, and further

comprising the step of activating the content use feature on the target computer ((steps

620 and 660 in Fig. 6; paragraphs {033}, {040}. {041}).

(V.N) Claim 15

Claim 15 is directed the computer-readable medium of claim 13 wherein, prior to

receiving an indication step, the target program determines a second requested use

attribute to control content sent by the target program (step 660; paragraph {041}.

(V.O) Claim 16

Claim 16 is directed the computer-readable medium of claim 14 wherein the

content use feature is a printing function, a screen capture function, a third party join

function, a disabled clipboard copy function, or a logging function resident on the target

computer (paragraph {020}).

(V.P) Claim 17

Claim 16 is directed the computer-readable medium of claim 13, wherein prior to the establishing step, the source program modifies the requested use attribute; sends the modified use attribute to the target computer; and receives a confirmation of the modified use attribute from the target computer to establish the content controlled instant message session where the session use attribute is based upon the modified use attribute (paragraph {028}.

(V.Q) Claim 18

Claim 18 is directed the computer-readable medium of claim 13 wherein one of the source and target computers updates the session use attribute after establishment of the content controlled instant message session (Fig. 2C).

(V.R) Claim 19

Claim 19 is directed to a method for controlling the use of content generated by a source computer over a content controlled instant message session to a target computer, (paragraphs {001}, {006}). A program determines a requested use attribute for instant message content generated by the source computer (Step 315 in Fig. 3; paragraphs {006}, {020}, {023}, {027}, {029}, {030}). The program sends the requested use attribute to the target computer (step 335 in Fig. 3; {023}, {027}, {030}). The program receives an indication verifying whether a content controlled instant message session is supported at

the target computer (step 340 in Fig. 3; paragraphs {025}, {026}, {027} {031}). The

program establishes the content controlled instant message session having a session use

attribute based upon the requested use attribute with the received indication (step 365 in

Fig. 3; paragraphs {026}, {032}), and the content controlled instant message session

controls the use of content provided over the session at the target computer in accordance

with the session use attribute (paragraphs {026}).

(V.S) Claim 20

Claim 20, which depends from claim 19 is directed to the method of claim 19

wherein the received indication further includes an indication that a content use feature

on the target computer corresponding to the requested use attribute has been activated

(paragraphs {025}, {034}).

(V.T) Claim 21

Claim 20, which depends from claim 19 is directed to the method of claim 19

wherein the use content feature is a disabled printing function, a disabled screen capture

function, a disabled third party join function, a disabled clipboard copy function, or a

disabled logging function at the target computer (paragraphs {020},{029})..

(V.U) Claim 22

Claim 22 is directed the method of claim 19, wherein prior to the establishing

step, the source program modifies the requested use attribute; sends the modified use

attribute to the target computer; and receives a confirmation of the modified use attribute

from the target computer to establish the content controlled instant message session

where the session use attribute is based upon the modified use attribute (paragraph {028}.

(V.V) Claim 23

Claim 23 is directed the method of claim 19 wherein one of the source and target

computers updates the session use attribute after establishment of the content controlled

instant message session (Fig. 2C).

(V.W) Claim 24

Claim 24 is directed to a method for controlling the use of content generated by a

source computer and transmitted over a content controlled instant message session to a

target computer, (paragraphs {001}, {006}). The target computer has a program (Instant

Message Client Control (IMCC) 140B in Fig. 1 and configuration profile 160B in Fig. 1;

paragraph {018}) that performs content control steps. The program receives a first

message containing a first requested use attribute from the source computer (step 410 in

Fig. 4; paragraphs {025}, {033}. The program reads the first requested use attribute (step

420 in Fig. 4; paragraph {033}) and determines whether a content use feature

corresponding to the first requested use attribute is supported on the target computer (step

440; paragraph {033}). The program sends a second message indicating the support of

the content use feature to the source computer (step 450 or step 480 in Fig. 4; paragraphs {033}, {035}).

(V.X) Claim 25

Claim 25 is directed the method of claim 24 further comprises the step of activating the content use feature on the target computer (steps 620 and 660 in Fig. 6; paragraphs {033}, {040}. {041}).

(V.Y) Claim 26

Claim 26, which depends from claim 25 is directed to the method of claim 25 wherein the use content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function resident on the target computer (paragraphs {020},{029})..

(V.Z) Claim 27

Claim 27, which depends from claim 24 is directed to the method of claim 24 wherein the second message includes a first unsupported use attribute (step 480 or step 450; paragraphs {033}, {035}), the first unsupported use attribute defining the feature on the target computer which may not be activated (paragraphs {033}, {035}).

(V.AA) Claim 28

Claim 28, which depends from claim 24 is directed to the method of claim 24 wherein Claim 10, and further comprising additional content control steps. The program determines a second requested use attribute for instant message content generated by the target computer (step 660; paragraph {041}, the second requested use attribute corresponding to a second content use feature (paragraph {040}). The program sends the second requested use attribute to the source computer (step 450 in Fig. 4; paragraph {035}). The source computer (110 in Fig. 1, 210A in Fig. 2A) receives an activation indication of the second content use feature (step 510 in Fig. 5; paragraph {036}) and sends an instant message having content controlled by the second content use feature (bottom arrow in Fig. 2A; paragraph {026})..

(V.AB) Claim 29

Claim 29, which depends from claim 24 is directed to the method of claim 24, and further comprising the step of updating the first requested use attribute (step 470 in Fig. 4, step 620 in Fig. 6; paragraphs {027},{034}, {040}).

(V.AC) Claim 30

Claim 30, which depends from claim 24 is directed to the method of claim 24, and further comprising the step of updating the second requested use attribute (step 470 in Fig. 4, step 660 in Fig. 6; paragraphs {027},{034},{041}).

(V.AD) Claim 31

Claim 31, which depends from claim 1, is directed to a computer-readable medium of claim 1 wherein the content use function is a recording or reproduction function (paragraphs {020},{029})..

(VI). Grounds of Rejection to be reviewed on appeal

Each of claims 1-3 and 5-31 stand rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent Number 7,188,143 to Szeto (hereafter "Szeto").

The questions for appeal are whether or not each of claims 1-3 and 5-31 is anticipated by Szeto under 35 U.S.C. 102.

(VII). Argument

(VII.A) Principles of Law Relating to Anticipation

The Examiner must make a prima facia case of anticipation. "A person shall be entitled to a patent unless. . . (b) the invention was patented or described in a printed publication in this or a foreign country . . . more than one year prior to the date of the application for patent in the United States." 35 U.S.C. 102. It is settled law that each element of a claim must be expressly or inherently described in a single prior art reference to find the claim anticipated by the reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.3d 63, 631, 2USPQ2d 1051,1053 (Fed. Cir. 1987), cert. denied, 484 U.S. 827 (1987). Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999)(citations and internal quotation marks omitted). The Examiner has failed to make a prima facia case of anticipation, because the claims on appeal include various elements that are not expressly or implicitly described in the reference cited (i.e., Grimm).

(VII.B) Rejection of Claim 1 under 35 USC 102 over Szeto

Applicants respectfully contend that claims 1, as originally filed is allowable because it includes features that are neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VIII.B.1) "determining a requested use attribute for instant message content generated by the source computer"

Applicant respectfully contends that claim 1 is allowable because in includes a feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "determining a requested use attribute for instant message content generated by the source computer". As clearly provided in Applicant's specification, the use attribute is an attribute that controls use of the instant message content at a target computer from a source computer {0020 lines 6-15}. For example, the use attribute may include use settings at the target computer such as disallowing target computer functions that could compromise the security of instant message content. These functions might include screen capture, screen printing, IM application logging, IM printing, IM joining of a third party, etc. As will be understood by one of ordinary skill in the art, these functions could be used to make a record of instant message content without the knowledge or approval of the user at the source computer.

Szeto is directed to controlling the environment or appearance of instant messages through processing instant message commands (such as the location where messages appear on a screen, playing a sound when a message is received, etc.) between the instant messaging client 212 and the conversation user interface 216 (see col. 6 lines 28-30 and col. 6 line 53 to col. 7 line 29). Szeto does not disclose or suggest determining a use attribute of instant message content. Nor does Szeto disclose or suggest controlling use

of instant message content (the recipient's use of the content after the content is received)

beyond the presentation of the content at the user interface.

The Examiner has concluded in error that this feature is disclosed by Szeto (at col.

3 line 1). The cited text provides that "the instant messaging environment can request

and retrieve the selected *instant messaging application* based upon the application

identifier." The instant messaging application referred to is defined (at col. 1 lines 55-58)

as software for implementing an instruction set in an instant messaging environment.

Szeto further defines an instant message environment as an initialization file and a file

that defines how the environment looks and behaves (col. 9 lines 39-62). Thus, Szeto

provides that the environment can request and retrieve an instruction set for the interface

(i.e., appearance of the instant message window 204 – see col. 5 lines 9-12). The

Examiner has erroneously equated a system that provides instructions for displaying

instant messages on a computer screen with a system for controlling the use of the

content of instant messages by the recipient.

Accordingly, the Examiner has failed to make a prima facia case that the feature

"determining a requested use attribute for instant message content generated by the

source computer" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it

an obvious variation of any known reference, no rejection under 35 USC 103 would be

proper. Also, instant messaging systems have been used in communication systems for a

long time, and the failure of others to provide this feature is evidence of its

nonobviousness.

(VIII.B.2) "sending the requested use attribute to the target computer"

Applicant respectfully contends that claim 1 is also allowable because in includes

another feature that is neither disclosed nor suggested by Szeto or any other reference

cited, namely "sending the requested use attribute to the target computer". As explained

above, the use attribute is not the same as an instant messaging environment.

The Examiner has concluded in error that this feature is disclosed by Szeto at col.

13 line 53 "The control message is sent to IM client 202 which implements the requested

IM application, ion step 1306." The Examiner has concluded in error that sending a

control message is the same as sending a use attribute. However, the use attribute is the

target computer's access or ability to use the instant message content beyond the

conversation user interface (e.g, uses such as printing, saving, etc.). In sharp contrast, the

instant messaging application controls the display of the instant messages at the

conversation user interface. Szeto fails to disclose or suggest a use attribute, much less

sending a use attribute to the target computer.

Accordingly, the Examiner has failed to make a prima facia case that the feature

"sending the requested use attribute to the target computer" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a long time, and the failure of others to provide this feature is evidence of its nonobviousness.

(VIII.B.3) "receiving an indication verifying whether a content controlled instant message session is supported at the target computer"

Applicant respectfully contends that claim 1 is also allowable because in includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "receiving an indication verifying whether a content controlled instant message session is supported at the target computer". This feature allows the user of the source computer to verify that the target computer has the ability to control use of instant message content before sending instant messages containing confidential information. As clearly provided in the present specification this feature provides that the source computer receives an indication that the target computer has the mechanism (IMCC component 140B for example) to control the use of instant message content as required by the source computer for the content controlled session {0023}. Szeto does not disclose or suggest receiving an indication verifying whether a content controlled instant message session is supported at the target computer.

The Examiner has concluded in error that this feature is disclosed by Szeto (at col. 8 line 65). The cited text addresses an environment sent to the target computer by the source (rather than being retrieved from a cache at target computer or downloaded from a website). An authorization code or signature used to verify the integrity of the environment means that the target computer can verify that the integrity of the environment by checking the authorization code or signature. This does not suggest that the target computer verifies content use controls and sends a message back to the source so that the source computer can receive such an indication.

Accordingly, the Examiner has failed to make a prima facia case that the feature "receiving an indication verifying whether a content controlled instant message session is supported at the target computer" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a long time, and the failure of others to provide this feature is evidence of its nonobviousness.

(VIII.B.4) "the content controlled instant message session controlling the use of content provided over the session at the target computer in accordance with the session use attribute"

Applicant respectfully contends that claim 1 is also allowable because in includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "the content controlled instant message session controlling the use of

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content provided over the session at the target computer in accordance with the session

use attribute". As clearly provided in the specification {0040} the present invention

provides for disabling features such as printing, clip boarding, logging, etc. by issuing

program function calls, for example. This results in the operating system of the target

computer not executing operating system controlled commands. Szeto dies not disclose

or suggest this feature.

The Examiner has concluded in error that this feature is disclosed by Szeto (at

Col. 5 line 36) which states:

> "User interface commands are transferred from the instant messenger client
> to the conversation user interface to cause the conversation user interface to
> display instant messages and their corresponding environment to the user."

And (Col. 6 line 6) which states:

> "In one embodiment, instant messaging server 214 receives a message,
> processes the message and transfers the message to instant messaging client
> 212."

However, as shown in Szeto in Fig. 2, each computer comprises an instant

messenger client (202, 212) and a conversation user interface (204, 216). User interface

commands are commands that control the appearance of an instant message on the

computer's user interface (see col. 5 lines 36-39). Moreover, the referenced transfer is

between the instant messenger client and the conversation user interface on the same

computer. Thus, the user interface commands do not control use of the content at the

target computer. The instant message server (214) is an intermediary server. This text

refers to the path that the message follows.

Accordingly, the Examiner has failed to make a prima facia case that the feature

"the content controlled instant message session controlling the use of content provided

over the session at the target computer in accordance with the session use attribute" is

anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it

an obvious variation of any known reference, no rejection under 35 USC 103 would be

proper. Also, instant messaging systems have been used in communication systems for a

long time, and the failure of others to provide this feature is evidence of its

nonobviousness.

(VII.C) Rejection of Claim 2 under 35 USC 102 over Szeto

Applicants respectfully contend that claims 2 is allowable independently of claim

1, because it includes features that are neither disclosed nor suggested by Szeto or any

other references, either individually or in combination.

**(VII.C.1) "the received indication further includes an indication that a use content
feature on the target computer corresponding to the requested use attribute has
been activated"**

Applicant respectfully contends that Claim 2 is independently allowable because

it includes another feature that is neither disclosed nor suggested by Szeto or any other

reference cited, namely "the received indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated". This feature provides an indication that a specified use control has been activated at the target computer. Szeto does not disclose or suggest either a use content feature (which controls the use of features on the target computer such as printing, screen capture, etc) or receiving an indication that such use content feature has been activated at the target computer.

The Examiner has concluded in error that this feature is disclosed by Szeta (at col. 1 line 40). However, the cited text provides that "the instant messaging client may display various means and buttons that activate common instant messaging functions such as changing font, ringing another user, inserting symbols, etc." Common instant messaging functions as provided in Szeto are display options. They do not control usage of the instant message content. Moreover, Szeto does not address providing an indication of activation of usage controls to the source computer.

Accordingly, the Examiner has failed to make a prima facia case that the feature "the received indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a

long time, and the failure of others to provide this feature is evidence of its

nonobviousness.

(VII.D) Rejection of Claim 3 under 35 USC 102 over Szeto

Applicants respectfully contend that claims 3 is allowable independently of claims

1 and 2, because it includes features that are neither disclosed nor suggested by Szeto or

any other references, either individually or in combination.

(VII.D.1) "the controlled use of content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer"

Applicant respectfully contends that Claim 3 is independently allowable because

it includes another feature that is neither disclosed nor suggested by Szeto or any other

reference cited, namely "the controlled use of content feature is a disabled printing

function, a disabled screen capture function, a disabled third party join function, a

disabled clipboard copy function, or a disabled logging function at the target computer."

As clearly indicated in the Applicant's specification, it is important to control these use of

content features because these features could compromise the security of instant message

communications. Szeto does not disclose or suggest controlling any of these use of

content features.

The Examiner has concluded in error that control of these features is disclosed by

Szeto (at col. 13 line 56; col. 4 line 8; col. 12 line 36; Figs. 10; col. 1 line 32; col. 1 line

48; col. 5 line 46; and Figs. 1 and 3). However, the cited text comprise a user interface

window in which a computer monitor contains a history window for text message

content; the use of third party servers for instant messaging; the use of third party servers

for instant messaging; various instant message system block diagrams; an instant

messaging server performing functions to facilitate the transfer of messages; a message

server performing the functions of receiving messages and transferring them, replacing

certain text with symbols, or otherwise modifying or relaying messages; a definition of

user interface commands including functions, behaviors, actions, capabilities, etc. that are

features of the user interface or the instant messaging window; diagrams illustrating

instant messaging user interfaces ; (all of which are well known in the art and do not

suggest disabling any of the functions enumerated in claim 3 at the target computer).

Accordingly, the Examiner has failed to make a prima facia case that the feature

"the controlled use of content feature is a disabled printing function, a disabled screen

capture function, a disabled third party join function, a disabled clipboard copy function,

or a disabled logging function at the target computer" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it

an obvious variation of any known reference, no rejection under 35 USC 103 would be

proper. Also, instant messaging systems have been used in communication systems for a

long time, and the failure of others to provide this feature is evidence of its

nonobviousness.

(VII.E) Rejection of Claim 5 under 35 USC 102 over Szeto

Applicants respectfully contend that claims 5 is allowable independently of claim

1, because it includes features that are neither disclosed nor suggested by Szeto or any

other references, either individually or in combination.

(VII.E.1) "updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step"

Applicant respectfully contends that Claim 5 is allowable independently of claim

1, because it includes another feature that is neither disclosed nor suggested by Szeto or

any other reference cited, namely "updating the session use attribute during

communication over the content controlled instant message session after the establishing

of the content controlled instant message session step". This feature is important because

it allows a user to change the controlled attributes during an instant message session, so

that if, during the session the user decides to transmit sensitive content, the use attribute

can be modified during the session to prevent compromising sensitive content. Szeto

does not disclose or suggest changing use attributes during an instant message session.

The Examiner has concluded in error that this feature is disclosed by Szeto (at col.

6 line 34 and col. 9 line 49). However, the cited text provides updating an environment

before it is implemented (col. 6 lines 30-36) and accessing environment information

without loading the environment (col. 9 lines 41-50). Both cited texts specifically

exclude changing an environment during a session (note that Applicants, as provided

above, do not concede that an environment is equivalent to a content controlled session).

Accordingly, the Examiner has failed to make a prima facia case that the feature "updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a long time, and the failure of others to provide this feature is evidence of its nonobviousness.

(VII.F) Rejection of Claim 6 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 6 is allowable because it includes features that are neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.F.1) "receiving a first message containing a first requested use attribute from the source computer"

Applicant respectfully contends that Claim 6 is allowable because it includes a feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "receiving a first message containing a first requested use attribute from the source computer". This feature allows the target computer to respond to a request from the source computer to control a use attribute, to determine whether the target computer supports the use attribute. Szeto does not disclose or suggest receiving a requested use attribute from a source computer at a target computer.

The Examiner has concluded in error that this feature is disclosed by Szeto at col. 13 line 53 and in Fig. 13. However, the cited paragraph refers to sending a control message to an IM client to implement an IM application. Applicants respectfully contend that an IM application control is not the same as a use attribute for the reasons previously presented under claim 1.

Accordingly, the Examiner has failed to make a prima facia case that the feature "receiving a first message containing a first requested use attribute from the source compute" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a long time, and the failure of others to provide this feature is evidence of its nonobviousness.

(VII.F.2) "sending a second message indicating the support of the content use feature to the source computer"

Applicant respectfully contends that claim 6 is also allowable because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "sending a second message indicating the support of the content use feature to the source computer". This feature allows the source computer to verify support of the content use feature prior to sending any IM content to prevent unwanted copying or distribution of privileged content.

The Examiner has concluded in error that this feature is disclosed by Szeto at col. 2 line 41. However the cited paragraph describes sending an IM environment identifier to an IM client, not a client sending confirmation of content use feature support. Support of a content use feature is different from an IM environment identifier. Moreover, Szeto does not communicate a target computer's support of a messaging environment, but rather loads the requested environment.

Accordingly, the Examiner has failed to make a prima facia case that the feature "sending a second message indicating the support of the content use feature to the source computer" is anticipated by Szeto.

Moreover, since this feature is not disclosed or suggested by the cited art, nor is it an obvious variation of any known reference, no rejection under 35 USC 103 would be proper. Also, instant messaging systems have been used in communication systems for a long time, and the failure of others to provide this feature is evidence of its nonobviousness.

(VII.G) Rejection of Claim 8 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 6 is allowable independently of claim 6, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.G.1) "the controlled use of content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer"

Applicant respectfully contends that claim 8 is also allowable because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "the controlled use of content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer" as explained under claim 3.

(VII.H)) Rejection of Claim 13 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 13 is allowable because it includes features that are neither disclosed nor suggested by Szeto or any other references, either individually or in combination. Each of the following features are presented under claim 1.

(VII.H.1) "determining a requested use attribute for instant message content generated by the source computer"

(VII.H.2) "sending the requested use attribute to the target computer"

(VII.H.3) "receiving an indication verifying whether a content controlled instant message session is supported at the target computer"

(VII.H.4) "establishing a content controlled instant message session having a session use attribute defining the content use feature"

(VII.I) Rejection of Claim 16 under 35 USC 102 over Szeto

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Applicant respectfully contends that claims 16 is allowable independently of claim 13, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.I.1) "the content use feature is a printing function, a screen capture function, a third party join function, a clipboard copy function, or a logging function at the target computer"

Applicant respectfully contends that claim 16 is allowable independently of claim 13, because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "the content use feature is a printing function, a screen capture function, a third party join function, a clipboard copy function, or a logging function at the target computer" as explained under claim 3.

(VII.J) Rejection of Claim 19 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 19 is allowable because it includes features that are neither disclosed nor suggested by Szeto or any other references, either individually or in combination for the reasons presented under claim 1.

(VII.H.1) "determining a requested use attribute for instant message content generated by the source computer"

(VII.H.2) "sending the requested use attribute to the target computer"

(VII.H.3) "receiving an indication verifying whether a content controlled instant message session is supported at the target computer"

(VII.H.4) "Establishing a content controlled instant message session having a session use attribute defining the content use feature"

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(VII.I) Rejection of Claim 20 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 20 is allowable independently of claim 19, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.I.1) "the indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated"

Applicant respectfully contends that claim 20 is allowable independently of claim 19, because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "the indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated" as explained under claim 2.

(VII.J) Rejection of Claim 21 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 21 is allowable independently of claims 19 and 20, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.J.1) "the content use feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer"

Applicant respectfully contends that claim 20 is allowable independently of claim 19, because it includes another feature that is neither disclosed nor suggested by Szeto or

any other reference cited, namely "the content use feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer" as explained under claim 3.

(VII.K) Rejection of Claim 23 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 23 is allowable independently of claim 19, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.K.1) "updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step"

Applicant respectfully contends that claim 20 is allowable independently of claim 19, because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session" as explained under claim 5.

(VII.L) Rejection of Claim 24 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 24 is allowable because it includes features that are neither disclosed nor suggested by Szeto or any other references, either individually or in combination for the reasons presented under claim 6.

(VII.L.1) "receiving a first message containing a first requested use attribute from the source computer"

(VII.L.2) "sending a second message indicating the support of the content use feature to the source computer"
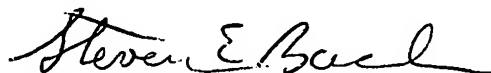
(VII.M) Rejection of Claim 26 under 35 USC 102 over Szeto

Applicant respectfully contends that claims 26 is allowable independently of claim 24, because it includes another feature that is neither disclosed nor suggested by Szeto or any other references, either individually or in combination.

(VII.M.1) "the content use feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer"

Applicant respectfully contends that claim 26 is allowable independently of claim 24, because it includes another feature that is neither disclosed nor suggested by Szeto or any other reference cited, namely "the content use feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer" as explained under claim 3.

Respectfully submitted,

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(VIII) Claims Appendix

Listing of Claims

1.   (original) A computer-readable medium whose contents cause a source computer

to control the use of content carried over a content controlled instant message session

with a target computer, the source computer having a program for performing the steps

of:

       determining a requested use attribute for instant message content generated by the

source computer;

       sending the requested use attribute to the target computer;

       receiving an indication verifying whether a content controlled instant message

session is supported at the target computer; and

       establishing the content controlled instant message session having a session use

attribute based upon the requested use attribute with the received indication, the content

controlled instant message session controlling the use of content provided over the

session at the target computer in accordance with the session use attribute.

2.   (previously presented) The computer-readable medium of claim 1 wherein the

received indication further includes an indication that a content use feature on the target

computer corresponding to the requested use attribute has been activated.

3.   (previously presented) The computer-readable medium of claim 2 wherein the

content use feature is a disabled printing function, a disabled screen capture function, a

disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer.

4.   (canceled)

5.   (original) The computer-readable medium of claim 1 further comprising:

updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step.

6.   (previously presented) A computer-readable medium whose contents enable a source computer to control the use of content carried over a content controlled instant message session at a target computer, the target computer having a program for performing the steps of:

receiving a first message containing a first requested use attribute from the source computer;

reading the first requested use attribute;

determining whether a content use feature corresponding to the first requested use attribute is supported on the target computer; and

sending a second message indicating the support of the content use feature to the source computer.

7.   (original) The computer-readable medium of claim 6 wherein the program further comprises the step of:

      activating the content use feature on the target computer.

8.   (original) The computer-readable medium of claim 7 wherein the content use feature is a disabled print function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function resident on the target computer.

9.   (original) The computer-readable medium of claim 6 wherein the second message includes a first unsupported use attribute, the first unsupported use attribute defining the feature on the target computer which may not be activated.

10.   (original) The computer-readable medium of claim 6 wherein the program further comprising the steps of:

      determining a second requested use attribute for instant message content generated by the target computer, the second requested use attribute corresponding to a second content use feature;

      sending the second requested use attribute to the source computer;

      receiving at the source computer an activation indication of the second content use feature; and

      sending an instant message having content controlled by the second content use feature.

11.   (original) The computer-readable medium of claim 6 further comprising the step

of:

updating the first requested use attribute.

12.   (original) The computer-readable medium of claim 10 further comprising the step

of:

updating the second requested use attribute.

13.   (original) A computer-readable medium whose contents cause a computer system

to control the use of content over a content controlled instant message session, the

computer system having a source computer having a source program and a target

computer having a target program, the target program having access to disabling a

content use feature on the target computer, by performing the steps of:

sending a requested use attribute for instant message content generated by the

source program;

receiving the requested use attribute at the target program;

determining whether a content use feature corresponding to the requested use

attribute is supported;

receiving at the source computer an indication of whether the content use feature

is supported; and

establishing the content controlled instant message session having a session use

attribute defining the content use feature.

14.   (original) The computer-readable medium of claim 13 further comprising the step

of:

        activating the content use feature on the target computer.

15.   (original) The computer-readable medium of claim 13 further comprising the

following step before the receiving an indication step, the following step comprising:

        determining a second requested use attribute to control content sent by the target

program.

16.   (original) The computer-readable medium of claim 14 wherein the content use

feature is a printing function, a screen capture function, a third party join function, a

disabled clipboard copy function, or a logging function resident on the target computer.

17.   (original) The computer-readable medium of claim 13 further comprising the

following steps before the establishing step, the following steps comprising:

        modifying the requested use attribute;

        sending the modified use attribute to the target computer; and

        receiving a confirmation of the modified use attribute from the target computer to

establish the content controlled instant message session,

        wherein the session use attribute is based upon the modified use attribute;

18.   (original) The computer-readable medium of claim 13 further comprising the following step of:

updating the session use attribute after establishment of the content controlled instant message session.

19.   (original) A method for controlling the use of content generated by a source computer over a content controlled instant message session to a target computer, the method comprising the steps of:

determining a requested use attribute for instant message content generated by the source computer;

sending the requested use attribute to the target computer;

receiving an indication verifying whether a content controlled instant message session is supported at the target computer; and

establishing the content controlled instant message session having a session use attribute based upon the requested use attribute with the received indication, the content controlled instant message session controlling the use of content provided over the session at the target computer in accordance with the session use attribute.

20.   (original) The method of claim 19 wherein the indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated.

21.   (original) The method of claim 19 wherein the use content feature is a disabled

printing function, a disabled screen capture function, a disabled third party join function,

a disabled clipboard copy function, or a disabled logging function at the target computer.

22.   (original) The method of claim 19 wherein the establishing step further comprises

the steps of:

    modifying the requested use attribute;

    sending the modified use attribute; and

    receiving a confirmation of the modified use attribute from the target computer to

establish the content controlled instant message session, the session use attribute based

upon the modified use attribute.

23.   (original) The method of claim 19 further comprising:

    updating the session use attribute during communication over the content

controlled instant message session after the establishing of the content controlled instant

message session step.

24.   (original) A method for controlling the use of content generated by a source

computer and transmitted over a content controlled instant message session to a target

computer, the method at the target computer comprising the steps of:

    receiving a first message containing a requested use attribute from the source

computer;

    reading the requested use attribute;

determining whether a content use feature corresponding to the requested use

attribute is supported on the target computer; and

sending a second message indicating the support of the content use feature to the

source computer.

25.   (original) The method of claim 24 wherein the program further comprises the step

of:

activating the content use feature on the target computer.

26.   (original) The method of claim 25 wherein the content use feature is a disabled

print function, a disabled screen capture function, a disabled third party join function, a

disabled clipboard copy function, or a disabled logging function resident on the target

computer.

27.   (original) The method of claim 24 wherein the second message includes a first

unsupported use attribute, the first unsupported use attribute defining the feature on the

target computer which may not be activated.

28.   (original) The method of claim 24 wherein the program further comprising the

step of:

determining a second requested use attribute for instant message content

generated by the target computer, the second requested use attribute corresponding to a

second content use feature;

sending the second requested use attribute to the source computer;

receiving at the source computer an activation indication of the second content use feature; and

sending an instant message having content controlled by the second content use feature.

29.   (original) The method of claim 24 further comprising the step of:

updating the first requested use attribute.

30.   (original) The method of claim 28 further comprising the step of:

updating the second requested use attribute.

31.   (previously presented) The computer-readable medium of claim 1 wherein the content use function is a recording or reproduction function.

(IX). Evidence appendix

No extrinsic evidence is provided.

(X). Related proceedings appendix

There are no related proceedings.